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IN CLERK'S OFFICE
EASTERN DISTRICT COURT, E.D.N.Y.

ORIGINAL

MAY 31 2005 *

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EDUARDO SANTOS,

Plaintiff,

-against-

THE CITY OF NEW YORK,
SEARGEANT CASEY AND
P.O. MATTHEW WALKER,

BROOKLYN OFFICE
STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL

04 CV 1135 (JBW)(VVP)

Defendants.

X

WHEREAS, plaintiff commenced this action by filing a complaint on or about March 18, 2004, alleging that defendants violated his state and federal civil rights and alleged state law claims; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff Eduardo Santos the sum of Seventy-Five Thousand and One Dollars (\$75,001.00) and plaintiff's attorney the sum of Thirteen Thousand Dollars (\$13,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of these sums,

jlw

plaintiff agrees to dismissal of all the claims against the named defendants and to release all defendants, any present or former employees and agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. The plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York or the New York City Police Department. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

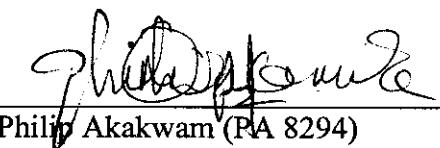
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

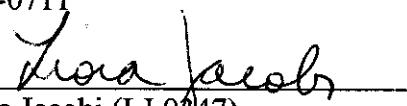
Dated: New York, New York
April 6, 2005

Philip Akakwam, Esq.
Attorney for Plaintiff
1203 Nostrand Avenue
Brooklyn, NY 11225
(718) 735-0008

By: 

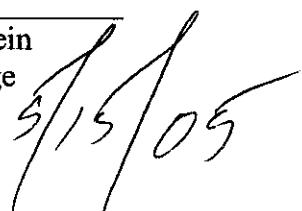
Philip Akakwam (PA 8294)
Tax ID No. 363178294

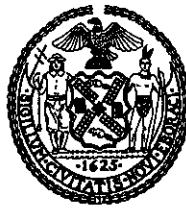
MICHAEL A. CARDOZO
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City of New York
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100 Church Street, Room 3-220
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(212) 788-0711

By: 
Liora Jacobi (LJ 0347)
Special Assistant Corporation Counsel

SO ORDERED:

Honorable Jack B. Weinstein
United States District Judge





THE CITY OF NEW YORK
LAW DEPARTMENT

MICHAEL A. CARDODOZ
Corporation Counsel

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NEW YORK, NY 10007

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Room 3-220

May 12, 2005

BY HAND DELIVERY

Honorable Jack B. Weinstein
United States District Judge
Eastern District Court of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Edward Santos v. City of New York, et al.
04 CV 1135 (JBW)(VVP)

Your Honor:

I am an attorney with the Office of Corporation Counsel, Michael A. Cardozo of the City of New York, assigned to handle the defense of the above case. Enclosed please find an original, executed Stipulation and Order of Settlement and Dismissal recently provided to me by plaintiff's counsel for Your Honor's endorsement. It is respectfully requested that the clerk of the court be directed to mark this case closed.

Handed
Thank you for your consideration of this request.
5/15/05

Respectfully submitted,

Liora Jacobi
Liora Jacobi [LJ 0347]
Special Assistant Corporation Counsel

Enc.

cc: U.S.M.J. Viktor V. Pohorelsky (By Hand Delivery)

Philip Akakwam, Esq. (Fax: 718-735-4889)